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No. 606

In the Supreme Court of the United States

OCTOBER TERM, 1930

THE UNITED STATES OF AMERICA, APPELLANT

v.

WILLIAM H. SPRAGUE AND WILLIAM J. HOWEY

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF NEW JERSEY

MOTION TO ADVANCE

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Now comes the Solicitor General and moves the Court to advance the above-entitled cause for hearing at an early day convenient to the Court.

The case has been brought to this Court under the Criminal Appeals Act. The Court's jurisdiction clearly appears from the statement filed December 20, 1930.

The question involved is whether the Eighteenth Amendment was ratified in the manner required by the Constitution. That question was answered in the negative by the District Court, which granted a motion to quash an indictment charging violations of the National Prohibition Act on the

ground, assigned by the court, that that Act is invalid because the Eighteenth Amendment, pursuant to which it was enacted, was ratified by the legislatures of the States, as proposed by Congress, and not by conventions called for that purpose in the States.

The decision has received wide publicity and has produced uncertainty regarding the validity of the prohibition laws which, unless promptly settled by this Court, is likely to encourage disregard for those laws and will hamper the Government in their enforcement. The case was fully briefed and a lengthy opinion was rendered in the court below. The Government is ready to argue the case at the earliest convenience of the Court. Wherefore, this motion is presented.

On December 20, 1930, a letter was mailed to opposing counsel advising that this motion would be made on January 5, 1931, and counsel was formally notified of this motion and furnished with copies of the Government's brief in this Court, by mail, on December 30, 1930.

Respectfully submitted.

THOMAS D. THACHER,
Solicitor General.

JANUARY, 1931.

U. S. GOVERNMENT PRINTING OFFICE: 1930